



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for September 18, 1996 to Consider Administrative Deviations Fee

MEETING DATE: August 21, 1996

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council set a Public Hearing for September 18, 1996 to consider Administrative Deviations fee.

BACKGROUND INFORMATION: A Resolution instituting planning and development fees was adopted by the City Council in April of 1993. Among the planning items for which this ordinance specified a fee, was the preparation of a lot line adjustment, a tentative map, a general plan amendment, a home occupation, and others.

The discussion and ultimate adoption of the fee schedule served as a catalyst for the preparation of an amendment to Chapter 17 (Zoning) providing for an administrative deviation process (see attached copy). On May 5, 1993, the City Council adopted the amendment (the administrative deviation ordinance) as recommended by the Planning Commission. At the same time, the Planning Commission recommended that a nominal fee be charged for the preparation of such administrative deviation requests. However, the adopted ordinance does not specify a fee to be charged or any other procedure for recovering the cost of processing these requests.

FUNDING: None

Konradt Bartlam
Community Development Director

Prepared by Eric Veerkamp, Associate Planner

KB/EV/lw

APPROVED: _____

H. Dixon Flynn -- City Manager



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: September 18, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, September 18, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Administrative Deviations fees.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Jennifer M. Perrin
Jennifer M. Perrin
City Clerk

Dated: August 21, 1996

Approved as to form:

Randall A. Hays
Randall A. Hays
City Attorney

ORDINANCE NO. 1575

=====

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
ADDING CHAPTER 17.74 TO THE LODI MUNICIPAL CODE
RELATING TO ADMINISTRATIVE DEVIATIONS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 17 is hereby amended by adding a new Chapter 17.74 as follows:

CHAPTER 17.74. ADMINISTRATIVE DEVIATIONS

Section 17.74.010 . INTENT.

It is the intent of this Chapter to establish minor administrative exceptions to the regulations of this (Title?), which may be used to insure that property, because of special circumstances, such as size, shape, topography, location or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same zone in the vicinity.

Section 17.74.020 PERMITTED ZONE AND PERMITTED MODIFICATIONS.

Applications for Deviations may be accepted in all zones, unless otherwise specified. Applications for Deviations may be considered for the following modifications only:

- (a) Off-street parking requirements:
 - (1) Parking improvements;
 - (2) Up to thirty percent (30%) of parking and loading space requirements, but not exceeding two (2) spaces;

(b) Setback requirements:

- (1) Up to forty percent (40%) of the front yard setback requirement, but not closer to the property line than fifteen (15) feet;
- (2) Up to forty percent (40%) of the side yard setback requirement, but no closer to the property line than three (3) feet;
- (3) Up to thirty percent (30%) of the rear yard setback requirement, but no closer to the property line than five (5) feet;

(c) Area and width requirements:

- (1) Up to fifteen percent (15%) of the area requirements, excluding lot area requirements;
- (2) Up to ten percent (10%) of the lot area or lot width requirements;

(d) Height requirements:

- (1) Up to thirty percent (30%) of height requirements, but not to exceed five (5) feet.

(e) Landscaping requirements.

Section 17.74.030 REQUIREMENTS FOR APPLICATION.

A request for a Deviation shall include a site plan which clearly delineates the location and extent of the regulation to be modified by the Director.

Section 17.74.040 REVIEW PROCEDURES.

The review procedure for Deviation applications shall be Staff Review with Notification.

Section 17.74.050 REVIEWING AUTHORITY.

The Community Development Director or designee shall be the reviewing authority under this ordinance. All decisions shall be based on consideration of all relevant information received and shall include written findings granting or denying the application.

Section 17.74.060 FINDINGS.

Prior to approving an application for a Deviation, the review authority shall find that all of the following are true:

- (a) The granting of the Deviation will not be materially detrimental to other properties or land uses in the area;
- (b) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended uses that do not apply to other properties in the same zoning district in the vicinity;
- (c) The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity;
- (d) The granting of the Deviation is consistent with the General Plan.

Section 17.74.070

All decisions of the reviewing authority, including the applicability of this Chapter, shall be subject to appeal to the Planning Commission, by written request, within ten (10) days after the action. Thereafter, the appeal process shall be as specified in Section 17.72.110 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 19th day of May 1993



PHILLIP A. PENNINO
Mayor

Attest:



JENNIFER M. PERRIN
City Clerk

=====
State of California
County of San Joaquin, ss.

I, Jennifer Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1575 was introduced at a regular meeting of the City Council of the City of Lodi held May 5, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 19, 1993 by the following vote:

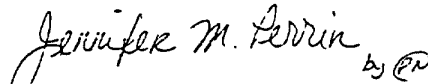
Ayes: Council Members - Davenport, Mann, Sieglock,
Snider, and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1575 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


JENNIFER M. PERRIN
City Clerk

Approved as to Form


BOBBY W. McNATT
City Attorney

ORD1575/TXTA.02J